

REMARKS

Claims 1-22 are pending. By this Amendment, claims 1 and 8 are amended. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

The courtesies extended to Applicants' representatives by Examiner Woldemariam at the interview held November 5, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Claims 1 and 8 stand rejected under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification. Claims 1 and 8 are amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1-22 stand rejected under 35 U.S.C. §103(a) over Lin (U.S. Patent Publication No. 2002/0076103 A1) in view of "Applicants' admitted prior art." The rejection is respectfully traversed.

The Office Action recognizes that Lin does not disclose the "...background intensity level...based on substantially all of the pixels of the image..." feature of independent claims 1 and 8. However, the Office Action asserts that (1) the disclosure in the background section that "[c]onventionally, background detection is performed by sampling pixel values either with a sub-region of the document (typically, the leading edge) or across the whole document" (emphasis added) correlates to the claimed feature, and (2) it would have been obvious to modify the Lin method and apparatus in a way that resulted in the combinations of features of claims 1 and 8. Applicants respectfully disagree.

The definition of "sampling" as used in Applicants' specification is commonly understood to refer to "a small portion, pieces, or segment."¹ This conventional method of determining intensity level of an image based on sampling pixel values is not..."a pixel classification...based on substantially all of the pixels of the image..." as recited in claims 1 and 8. Thus, "Applicants' admitted prior art" would not have motivated one having ordinary skill in the art at the time of the invention to modify Lin to obtain the "substantially all of the pixels" feature recited in claims 1 and 8.

Furthermore, Lin teaches away from the possibility of the claims 1 and 8 feature of "determining if reclassification is required..." since at the time Lin makes a first pass of the image Lin does not record the macro-detection or micro-detection results for each pixel of the image. See Paragraph [0060] of Lin. More specifically, because Lin does not record the macro-detection or micro-detection results for each pixel, it is impossible for each pixel to be reclassified, as recited in independent claims 1 and 8.

Regarding independent claim 15, Lin fails to disclose "determining a background intensity level of an image, the background level being based on substantially all of the pixels of the image", and "checking the classification of at least a portion of the pixels of the image based on the determined background intensity level of the image...." Lin classifies the intensity of each pixel based on the intensity of its surrounding pixels, not based on a background intensity level that is based on substantially all of the pixels of the image. See Lin Paragraph [0053]. Thus, one having ordinary skill in the art would not have modified Lin in view of Applicants' "admitted prior art" to obtain the combination of features recited in claim 15.

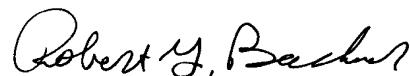
¹ American Heritage College Dictionary, fourth edition, page 1228.

Claims 2-7, 9-14 and 16-22 are patentable for at least the reasons mentioned above with respect to claims 1, 8 and 15. Withdrawal of the rejection is requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Robert G. Bachner
Registration No. 60,122

JAO:RGB/jls

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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